

**REMARKS**

Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

**A. Status of Claims**

Claims 6-7 and 9-15 are pending. Claims 6 and 10 are amended. Claims 11-15 are cancelled without prejudice of disclaimer. Claim 16 is new.

Claim 6 is amended to recite, *inter alia*, “a user interface including a photographing instruction unit which issues a photographing instruction of image data and a mode instruction unit which changes a mode of the apparatus between a plurality of different modes including a photographing mode for photographing image data and a display mode for displaying an image of the image data written on a recording medium.” Claim 6 is also amended to change the phrase: “an image processing unit which generates, in an imaging process of the original image data,” to the phrase: “an image processing unit which generates, in the photographing mode . . . .” Claim 6 is also amended to change the phrase: an image file generation unit which generates, in the imaging process of the original image data,” to the phrase: an image file generation unit which generates, in the photographing mode, . . . .” Claim 6 is also amended to recite, *inter alia*, “an interface unit which writes the image file generated by said image file generation means on the recording medium and reads out the image file from the recording medium, wherein the interface unit writes the image file on the recording medium in the photographing mode, and reads the image file from the recording medium in the display mode.” Support for this amendment is found throughout the application as originally filed, including, for example, on pages 9 and 10.

Claim 10 is amended to recite, *inter alia*, “The image pickup apparatus according to claim 6, wherein the plurality of different modes include a plurality of different modes each for displaying a different number of images, wherein said control unit is capable of starting the enlargement display process even if any of the plurality of the display modes is selected.”

Support for this amendment is found throughout the application as originally filed, including, for example, on page 7 and FIG. 1

Claim 16 is new. Support for this new claim is also found throughout the application as originally filed, including, for example, on page 7 and FIG. 1.

No new matter is added by these amendments, and their entry is respectfully requested. Because claims 11-15 are cancelled by this paper, the Office Action’s rejection of those claims is moot.

**B. Rejection Under 35 U.S.C. § 103**

Claims 6-7 and 9-15 were rejected under 35 U.S.C. § 103(a) allegedly unpatentable over U.S. Patent No. 6,634,909 to Terane et al. (“Terane”) in view of U.S. Patent No. 6,674,472 to Tsutsui (“Tsutsui”) and in further view of U.S. Patent Application Publication No. 2003/0123696 by Matsumoto et al. (“Matsumoto”) and in further view of U.S. Patent Application Publication No. 2003/0103156 by Brake et al. (“Brake”). Applicant respectfully traverses the rejection.

Applicant’s amended claim 6 specifically recites:

“6. An image pickup apparatus comprising:

a user interface including a photographing instruction unit which issues a photographing instruction of image data and a mode instruction unit which changes a mode of the apparatus between a plurality of different modes including a photographing mode for photographing image data and a display mode for displaying an image of the image data written on a recording medium;

an image pickup unit which obtains, in the photographing mode, original image data in accordance with the photographing instruction;

an image processing unit which generates, in the photographing mode, first reduced image data, second reduced image data for enlargement display process of enlarging and displaying a part of the first reduced image data and thumbnail data from the original image data obtained by said image pickup unit, wherein the second reduced image data is larger than the first reduced image and the first image data is larger than the thumbnail data;

an image file generation unit which generates, in the photographing mode, an image file by storing the original image data, the first reduced image data corresponding to the original image data, the second reduced image data corresponding to the original image data and the thumbnail data of the original image data into one image file;

an interface unit which writes the image file generated by said image file generation means on the recording medium and reads out the image file from the recording medium, wherein the interface unit writes the image file on the recording medium in the photographing mode, and reads the image file from the recording medium in the display mode;

a display unit which displays, in the display mode, the first reduced image data and the second reduced image data stored in the image file read out from the recording medium by said interface unit; and

a control unit which controls said display unit, in the display mode in response to an instruction of enlarging part of the first reduced image data displayed by said display unit, so as to select a part of the second reduced image data and to display the selected part of the second reduced image data stored in the image file which stores the first reduced image data and is read out from the recording medium by said interface unit instead of the first reduced image data.”

Terane discloses that “display processing of the thumbnail image” “by reading the thumbnail image data memorized to the memory card to built-in memory **34**, and when the read data is complete, displaying on display section **7**, after extension processing is performed.”

(Terane, Col. 6, Lines 52-56). Terane further discloses that this occurs during the “reproduction

function”, rather than the “imaging function”. (Terane, Col. 6, Lines 23-64). Similarly, Tsutsui discloses “adjust[ing] the size of a thumbnail image to be displayed in a display screen” during one of the “display operations”. (Terane, Col. 6, Lines 46-48; Col. 5, Lines 60-63). Further, the Office Action acknowledges that “each of the Terane and Tsutsui references discloses that images of different sizes are generated when an image stored in a memory is reproduced and displayed . . . .” (Office Action, p. 4).

Accordingly, neither Terane nor Tsutsui teach or suggest, either alone or combination, generating images of different sizes during a photographing or imaging mode, rather than a display mode, as admitted by the Office Action. Thus, neither Terane nor Tsutsui disclose, teach or suggest, “an image processing unit which generates, in the photographing mode first reduced image data, second reduced image data for enlargement display process of enlarging and displaying a part of the first reduced image data and thumbnail data from the original image data obtained by said image pickup unit, wherein the second reduced image data is larger than the first reduced image and the first image data is larger than the thumbnail data;” or “an image file generation unit which generates, in the photographing mode an image file by storing the original image data, the first reduced image data corresponding to the original image data, the second reduced image data corresponding to the original image data and the thumbnail data of the original image data into one image file,” as recited in Applicant’s amended claim 6.

Therefore, neither Terane nor Tsutsui, either alone or in combination, teach each element of Applicant’s amended claim 6, and Applicant respectfully submits that in addition, neither Matsumoto nor Brake, teach each element of Applicant’s amended claim 6. Claim 6 is therefore respectfully submitted to be in condition for allowance. For at least similar reasons, claims 9-10 and new claim 16 are also respectfully submitted to be in condition for allowance.

\* \* \*

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicant has chosen not to swear behind the cited references or to otherwise submit evidence to traverse the rejection at this time. Applicant, however, reserves the right, as provided by 37 C.F.R. §§ 1.131 and 1.132, to do so in the future as appropriate. Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

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**CONCLUSION**

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this response to Deposit Account No. **504827**, Order No. 1232-5158. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
LOCKE LORD BISSELL & LIDDELL, L.L.P.



Dated: April 14, 2009

By: \_\_\_\_\_

Zachary Silbersher  
Registration No. 62,090

Correspondence Address:  
LOCKE LORD BISSELL & LIDDELL, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
Tel: (212) 415-8600